

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

YOUNGSOO S. LEE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	
BANK OF AMERICA, N.A.; BAC HOME	)	Removed from the Chancery Court of
LOAN SERVICES & MERSCORP	)	Shelby County, Tennessee,
('MERS') et al.	)	Case No. CH-13-0088
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants, Bank of America, N.A., ("BANA")<sup>1</sup> and MERSCORP Holdings, Inc. ("MERS")<sup>2</sup> give notice of the removal of this action from the Chancery Court of Shelby County, Tennessee to this Court. Defendants state the following as grounds for removal:

1. On January 23, 2013, Plaintiff, Youngsoo S. Lee, filed this action against BANA in the Chancery Court of Shelby County, Tennessee. A summons was issued by the clerk and returned to plaintiff for service.

2. This removal is timely under 28 U.S.C. § 1446(b). While neither BANA nor MERS have been served, BANA was provided a copy of the complaint on February 25, 2013 by foreclosure counsel. This notice of removal is being filed within 30 days of receipt of a copy of the complaint. MERS has not been served, but joins in this removal petition.

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<sup>1</sup> BAC Home Loan Services LLC was merged into BANA on July 1, 2011. Accordingly, BANA is the only proper party.

<sup>2</sup> MERSCORP is not a valid legal entity. MERSCORP Holdings, Inc. is the parent corporation of Mortgage Electronic Registration Systems, Inc.

3. Attached hereto is a copy of the complaint filed in state court (attached as **Exhibit 1**).

4. This action could have been brought originally in this Court under 28 U.S.C. § 1332(a) because it is a civil action between parties whose citizenship is completely diverse, and the amount in controversy exceeds \$75,000. The amount of Plaintiff's loan exceeds \$400,000. In addition, this action could have been brought originally in this court under 28 USC §1331. The complaint alleges violations of the Truth-In-Lending Act, 15 U.S.C., §1601 et seq., the Home Equity Protection Act, 15 USC §1639 et seq. and Civil RICO, 18 U.S.C. §1962, et seq.

5. This action is properly removable under 28 U.S.C. § 1441(a)–(c).

6. Plaintiff is a citizen of Tennessee, (complaint page 22) or California (signature page reflects a California address).

7. No Defendant is a citizen of Tennessee or California.

8. BANA is a federally chartered national banking association. BANA maintains its main office in the state of North Carolina. Therefore, BANA is not a citizen of Tennessee or California for diversity purposes. *See Wachovia Bank v. Schmidt*, 546 U.S. 303, 307, 126 S. Ct. 941, 945 (2006).

9. MERS is a Virginia corporation with its principal place of business in Virginia.

10. The gravamen of Plaintiff's Complaint is difficult to comprehend, but it arises from a loan transaction and a mortgage foreclosure that plaintiff seeks to set aside and seeks damages for violations of the TIL and HOEPA, fraud and Civil RICO.

11. Plaintiff asserts violations of the federal statutes identified above. Accordingly, this Court has jurisdiction over the federal claims under 28 U.S.C. §1331.

12. Plaintiff has not set forth an amount in his complaint, but BANA asserts that the face amount of the loan and the value of the property that is the subject matter of the complaint, exceeds the sum of \$75,000 exclusive of interest and costs. As such, this Court has diversity jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a).

13. Pursuant to 28 U.S.C. § 1446(d), Defendants are filing a copy of this notice of removal with the Clerk and Master of the Chancery Court of Shelby County, Tennessee, and serving it on Plaintiff.

Respectfully submitted,

/s/H. Frederick Humbracht

H. Frederick Humbracht (No. 2993)

BRADLEY ARANT BOULT CUMMINGS LLP

1600 Division Street, Suite 700

Nashville, Tennessee 37203

Telephone: (615) 252-2371

Facsimile: (615) 252-6371

[rhumbrecht@babco.com](mailto:rhumbrecht@babco.com)

*Attorneys for Defendants Bank of America N.A. and  
Mortgage Electronic Registration Systems, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing is being forwarded via First Class U.S. Mail  
to:

Youngsoo S. Lee  
555 Puddingston Drive  
San Dimas CA 91773

on this the 27<sup>th</sup> day of March, 2013.

*/s/H. Frederick Humbracht*

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H. Frederick Humbracht